IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO: 18786 of 1999

Between:

Smt. M.Umamaheswari W/o. K.V.Chandrahasa
M.M.T.C., Regional Office, 10-2-1,
1st Floor, A.C.Guards,Hyderabad

..... PETITIONER

AND

1 Minerals and Metals Trading Corp. Ltd., rep.by its Chairman and M.D.
Scope Complex, Core-1,
Instructions Area, Lodhi Road, New Delhi-110 003.
2 The General Manager,
Regional Office, M.M.T.C.Ltd., 10-2-1, 1st Floor,
F.D.C.Complex, AC Guards, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order more particularly one in the nature of writ of mandamus by declaring the action of the respondents in not regularising the services of the petitioner as Stenographer in the M.M.T.C.Ltd., Hyderabad as arbitrary, illegal, improper and violative of Articles 14 & 16 of the Constitution of India, consequently direct the respondents to consider the claim of the petitioner for regularisation as Stenographer in the M.M.T.C.Ltd. i.e., in the 2nd respondent's office.

Counsel for the Petitioner: MR.NUTY RAM MOHAN RAO

Counsel for the Respondents: MR.P.SRINIVAS REDDY, SC FOR MMTC LTD.,

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner as Stenographer in M.M.T.C. Limited, Hyderabad, as arbitrary and illegal and violative of Articles 14 and 16 of the Constitution of India, and consequently, direct the respondents to regularize the services of the petitioner as Stenographer in the MMTC Ltd., Hyderabad.

2. It is the case of the petitioner that she had passed B.Com Degree from Osmania University in the year 1994. Thereafter, obtained Typewriting Higher Grade and Shorthand Lower Grade in English. Thus, she was qualified and eligible to be appointed as a Stenographer. The petitioner applied for the post of Stenographer in the Sub-Regional Office of MMTC Ltd., Hyderabad and she was appointed as such by the second respondent, after subjecting her to written examination and interview, with effect from 14-02-1996 along with one P.V.N.Reddy. Ever since, she has been working temporarily. While so, during August 1997, she proceeded on maternity leave. After expiry of maternity, she reported to duty. Further, one P.V.N.Reddy, who was selected by the Staff Selection Commission for regular appointment in the Central Government Office, has resigned, and a vacancy caused in the Regional Office, MMTC Ltd., Hyderabad. Since the petitioner is working and she was appointed after subjecting her for interview and the selection, she sought regularization of her services. When her case was not considered, she has filed the present writ petition.

3. A detailed counter-affidavit has been filed denying the allegations made by the petitioner. Further, in view of the counter-affidavit filed, the interim order passed by this Court on 22-09-1999 in W.P.M.P.No.23483 of 1999 was

vacated by an order dated 28-04-2000. Since it was represented that no appointment order was given to the petitioner and she was being engaged intermittently as per exigencies of work, the question of regularizing the service of the petitioner does not arise. Apart from that, one more person from Guntur has been transferred to Hyderabad Office, and in those circumstances, the question of accommodating or regularizing the services of the petitioner in the MMTC Ltd., Hyderabad, does not arise.

4 . In view of the interim orders passed on 28-04-2000 in W.P.M.P.No.23483 of 1999 and W.V.M.P.No.899 of 2000 and the averments made in the counter-affidavit, I am of the considered opinion that the claim of the petitioner is only imaginary and speculative, and therefore, the writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, the writ petition is dismissed. However, as and when vacancies arise, the claim of the petitioner shall be considered on preferential basis for being appointed in the respondent-organization. Further, this will not prevent the petitioner from raising any industrial dispute. No order as to costs.

C.V.RAMULU, J

28th June, 2005

SKM

Copy to:

1 The Presiding Officer, Industrial Tribunal,
Chandravihar, M.J. Road, Hyderabad.
2 The Secretary, Andhra Bank Award Employees' Union,
506, V Floor, Taramandal Complex, Saifabad, Hyderabad.
3 Two C.D. Copies.

*Form-NIC-OGS/WP{**BYD**}*